

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DWAYNE E. EGGERS,  
Plaintiff,

v.

04-CV-1392

JO ANNE B. BARNHART, Commissioner of  
Social Security,  
Defendant.  
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THOMAS J. McAVOY  
United States District Judge

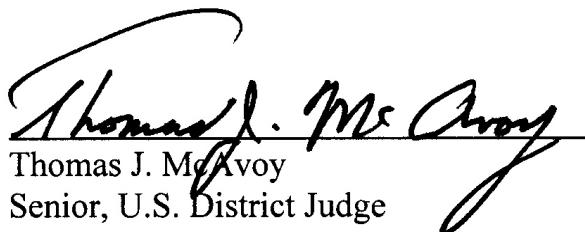
**DECISION and ORDER**

This matter brought pursuant to 42 U.S.C. § 405 (g) was referred to the Hon. David R. Homer, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the November 29, 2006 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein and REMANDS the decision for further development.

IT IS SO ORDERED.

Dated:January 26,2007

  
Thomas J. McAvoy  
Senior, U.S. District Judge